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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,338	08/01/2003	Brett Franklin Thompson	50303/THD/C1022	3179
23363	7590	02/17/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			BELT, SAMUEL E	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/632,338	Applicant(s) THOMPSON ET AL.	
	Examiner Samuel E. Belt	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-9, 11-12, 14-15, 17, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshikawa (US Patent 3398687).

Yoshikawa discloses a pump comprising a casing having two casing sections (Fig.1, items 1,2) defining a casing cavity; an electrical motor comprising a motor casing having two ends and a side positioned there between mounted inside the casing cavity having a motor shaft protruding from one of the ends (Fig.1, item 3), a seal mounted on the motor shaft for deterring fluids from leaking into an interior space of the motor casing (Fig.2, items 13,14), an impeller mounted on an end of the motor shaft adjacent the seal (Fig.1, item 6); and a flow channel formed between an inlet nozzle and an outlet nozzle inside the casing cavity adapted to permit fluids drawn from the inlet nozzle to flow over at least a portion of the side of the electrical motor to cool the electrical motor before exiting the outlet nozzle (not labeled; however, clearly seen in Fig. 1); An inlet nozzle positioned on one of the tapered ends and an outlet nozzle positioned on the other tapered end (Fig.1, items 1a, 2a), one of the two casing sections

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comprising a terminal nozzle for terminating a power cord (Fig.1, item 7a), at least one support leg located on an exterior surface of the casing for supporting the centrifugal pump (Fig.1, item 10), a motor electrical cover positioned over an end of the electrical motor comprising an indentation section (Fig.2, items 13), a casing having a football shape configuration. Since Yoshikawa has the same structure as claimed, it is inherent that Yoshikawa's device would be able to perform the recited method steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5,10,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa (US Patent 3398687) in view of Hackett (US Patent 5378121).

In regards to claims 4,10, & 18 Yoshikawa sets forth a device as described above, which is substantially analogous to the claimed invention. The Yoshikawa device differs from the claimed invention in that there is no explicit teaching of the centrifugal pump comprising a closed impeller. Hackett teaches the use of a closed impeller (Fig.1, item 6) to direct the flow of the fluid towards the wall of the outer housing. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to

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modify the Yoshikawa device by replacing the original impeller with the closed impeller as taught by Hackett, in order to advantageously direct the fluid flow over the motor to better cool it, therefore extending its operating life.

In regards to claims 5 & 19 Yoshikawa sets forth a device as described above. The Yoshikawa device differs from the claimed invention in that there is no explicit teaching of the centrifugal pump comprising a pump base. Hackett teaches the use of a base (Fig.1, items 60,62) to permit the pump to be secured to a surface for safer operation. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the Yoshikawa device by replacing the original support leg with the base configuration as taught by Hackett, in order to allow the pump to be secured to a stationary piece so that it can safely operate.

Claim 6,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa (US Patent 3398687) in view of Hamasaki et al. (US Patent 6287090).

In regards to claims 6 & 16 Yoshikawa sets forth a device as described above. The Yoshikawa device differs from the claimed invention in that there is no explicit teaching of the centrifugal pump comprising a mounting gland, which is compressed against a motor flange with an O-ring compressed there between. Hamasaki et al. teach the use of a "tongue and groove" connection which is used to provide easy assembly of an electric pump apparatus. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the Yoshikawa device by replacing the original connection between the motor and the pump housing with the "tongue and

groove" connection as taught by Hamasaki et al., in order to provide an easier connection between the motor and housing, therefore making it easier to perform maintenance and or remove the motor from the pump housing.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa (US Patent 3398687) in view of Kobayashi et al. (US Patent 5692886).

In regards to claim 13 Yoshikawa sets forth a device as described above. The Yoshikawa device differs from the claimed invention in that there is no explicit teaching of the centrifugal pump comprising a parting line sealed by fastening a plurality of fastener means and compressing a compressible seal there between. Kobayashi et al. teach the use of a plurality of fasteners (Fig. 1, item 55) to compress a seal (Fig. 1, item 56) thus creating a watertight seal between the two housings. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the Yoshikawa device by, replacing the original thread style connection with the fastener and compression seal style connection as taught by Kobayashi et al., in order to provide a better seal between the two housings.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa (US Patent 3398687).

In regards to claim 20 Yoshikawa sets forth a device as described above. The Yoshikawa device differs from the claimed invention in that there is no explicit teaching of the motor being rated for 110-volts. It would have been obvious to one of ordinary

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skill in the art at time the invention was made to use a 110-volt motor as this power rating is considered to be a standard power rating in North America.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel E. Belt whose telephone number is (571) 272-7820. The examiner can normally be reached on M-F, 8 - 4:30EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on (571) 272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB


Samuel E. Belt
01/03/2005